

Administrative Office of the United States Courts

[illegible]

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER: 08- 45 -17

BRYANT K. ERVIN,

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 16, 2008 in the State and District of Delaware, Bryant K. Ervin did knowingly possess in and affecting interstate commerce, a firearm, after having been convicted on or about February 9, 1999, of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am a(n) Task Force Officer, ATF and that this complaint is based
Official Title
on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof: Yes


David C. Rosenblum

Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me and subscribed in my presence,

17 Feb 2008
Date

at Wilmington, DE.
City and State

Vernon A. Taylor
Name of Judicial Officer

Vernon A. Taylor
Signature of Judicial Officer



**GOVERNMENT
EXHIBIT**

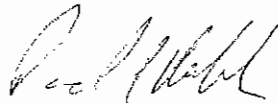
AFFIDAVIT OF PROBABLE CAUSE

Your affiant Detective David C. Rosenblum (Your Affiant) has been a Wilmington Police Officer for approximately 9 years and is currently assigned as a Task Force Officer (TFO) with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) whose duties include the investigation into firearms offenses committed in Wilmington, Delaware. During this Officer's employment as a law enforcement officer, Your Affiant has authored an excess of 400 felony arrests warrants for crimes related mainly to illegal narcotics and firearms. Prior to Your Affiant's current assignment, this Officer was assigned to the Wilmington Police Drug, Organized Crime, and Vice Division, Operation Safe Streets Task Force, where your affiant has conducted over an estimated 1000 investigations into illegal narcotics and or firearms investigations whereby, this Officer seized numerous weapons along with large amounts of narcotics and suspected drug proceeds. During Your Affiant's tenure as a law enforcement officer, Your Affiant has received over 296 days or 2388 hours of training from the DOJ, FBI, ATF, DEA, DSP, WPD, DOC, Royal Canadian Mounted Police, North East Counter Drug Training, Homeland Security, California Highway Patrol and other law enforcement agencies. Your Affiant has been qualified in Delaware Superior Court to provide expert testimony and has testified as an expert in approximately 15 felony drug trials. During the course of previous investigations, Your Affiant has had conversations with other federal agents and law enforcement officers with knowledge and or expertise in firearms offenses dealing with the interstate nexus of firearms.

1. Unless otherwise stated, the information in this affidavit is based upon Your Affiant's personal knowledge and conversations with other Wilmington Police Officers. Because this affidavit is for purposes of establishing probable cause, not all facts involved in this investigation are contained herein.
2. The events stated below occurred on or about February 16, 2008, at or about 1900 hours, in the City of Wilmington, State and District of Delaware, as stated to me by one or more Wilmington Police Officers with personal knowledge of the seizure of the below items.
3. Your affiant learned from a Wilmington Police Detective that on February 15, 2008, he received a State of Delaware Domestic Violence Protection from Abuse Order (PFA) issued in New Castle County Family Court directing the defendant, Bryant K. Ervin (dob 12/31/79) (hereinafter the "Defendant" or "Ervin"), to relinquish a "silver handgun" which the petitioner of the PFA (the "Petitioner") advised the authorizing magistrate was stored in her residence. The PFA states that the Petitioner pre-authorized a voluntary search of her residence for the above described weapon. Lastly, the investigating Detective advised that this investigation was initiated because the Ervin was alleged to be in possession of a firearm despite prohibition from possessing a firearm as a result of a felony conviction.

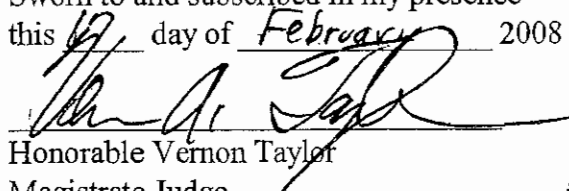
4. Your Affiant reviewed the Delaware Justice Information System Database (DELJIS) and verified the Defendant has a Felony Conviction of Possession of a Firearm During the Commission of a Felony in New Castle County Superior Court on or about February 9, 1999.
5. Wilmington Police Detectives obtained a signed written consent to search form from the Petitioner of the PFA to search for and seize the handgun alleged to be stored by the Defendant in the Petitioner's residence. The firearm, further described as a black and chrome Cobra model GA-32 semi-automatic .32 caliber firearm bearing serial number CPO26498 was seized by Wilmington Police.
6. The Defendant was interviewed and after verbally waiving his Miranda Warnings provided a videotaped statement to investigating detectives acknowledging possession of the weapon. The Defendant indicated that he was holding the firearm for someone else.
7. From my training and experience, and prior discussion with an ATF Agent who is expertly trained and experienced in determining the interstate nexus of firearms, Your Affiant knows that the above described weapon is a firearm as defined in 18 U.S.C., Chapter 44, Section 921(a)(3) and was not manufactured in Delaware, such that its possession in Delaware would have necessarily required that the firearm had crossed state and/or national lines prior to its possession in Delaware, and such that the possession of that firearm in Delaware affected interstate and/or foreign commerce.

Wherefore, based upon Your Affiant's training and experience, Your Affiant believes that there is probable cause to believe that the Defendant violated 18 U.S.C. §§ 922(g)(1) and 924(a)(2), by possessing in and affecting interstate commerce a firearm, after having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, and respectfully requests that the Court issue a Criminal Complaint charging this offense.

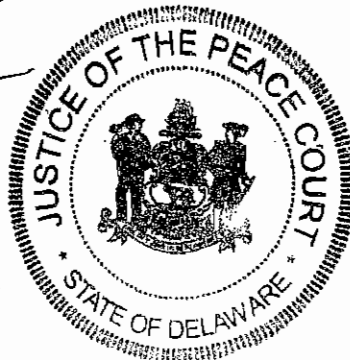


David C. Rosenblum
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn to and subscribed in my presence
this 19 day of February 2008



Honorable Vernon Taylor
Magistrate Judge
Justice of the Peace Court 20



52

THE FAMILY COURT OF THE STATE OF DELAWARE
FOR NEW CASTLE COUNTY

TEMPORARY EX PARTE ORDER OF
PROTECTION FROM ABUSE

PETITIONER

[REDACTED]
1320 LINDEN STREET
APT 2
WILMINGTON, DE 19805
[REDACTED]

RESPONDENT

BRYANT K. ERVIN
SPRINGER STREET
WILMINGTON, DE 19805
DOB: 1979

CASE:08-05216
FILE:CN08-01679
ORDER:0051202

CHILD(REN)
D: ERVAN, DAYVON [REDACTED]

Upon EX PARTE consideration of the Petition for Protection from Abuse filed in this case pursuant to 10 Delaware Code, Section 1043, the COURT FINDS by a preponderance of the evidence that the Respondent has committed an act of domestic violence against the Petitioner, and further FINDS that there is an immediate and present danger of additional acts of domestic violence.

IT IS THEREFORE ORDERED That:

The Respondent is PROHIBITED for the DURATION of this ORDER from POSSESSING FIREARMS.

Petitioner testified that Respondent owns a silver hand gun located in the closet in the children's bedroom of her apartment. No writ is necessary as Petitioner is sole lease holder of the apartment. Petitioner indicated that she will allow police to search for the weapon voluntarily.

The Respondent shall not threaten, molest, attack, harass or commit any other act of abuse against the Petitioner and any minor child(ren) residing in the Petitioner's household.

The Respondent shall stay 100 yards away from Petitioner's person, residence and workplace.

The Respondent shall not contact or attempt to contact the Petitioner in any way, including, but not limited to, by phone, by mail or by any other means.

Temporary custody of the minor child(ren) is awarded to the PETITIONER, ELISHA BECKHAM

NAME/DOB of child(ren): Day'von Ervin (dob [REDACTED])
Residence with: Petitioner/Mother

IN THE EVENT THAT THE COURT IS CLOSED DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY ON 02/22/2008, THIS ORDER SHALL EXPIRE ON 02/29/2008
(DATE OF NEXT SCHEDULED PFA CALENDAR).

MATTERS OF CUSTODY, VISITATION AND/OR SUPPORT ADDRESSED THROUGH THIS ORDER ARE DONE SO ON A TEMPORARY BASIS. SEPARATE CIVIL PETITIONS MUST BE FILED WITH THE COURT IN ORDER TO HAVE PERMANENT ORDERS ENTERED ON THESE MATTERS. THIS ORDER IS AN OFFICIAL COURT ORDER. THIS ORDER CANNOT BE WAIVED BY EITHER OF THE PARTIES. YOU MUST FILE A MOTION WITH THE COURT IN ORDER TO MODIFY,

GOVERNMENT
EXHIBIT

Adult Complaint and Warrant
In the Justice of the Peace Court
In and for the
State of Delaware

State of Delaware vs. **BRYANT K. ERVIN**

I, **[REDACTED] ROSENBLUM** (7192) of WILMINGTON PD, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in New Castle county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of 5 charges, and to be further dealt with as the law directs.

X

Affiant

Sworn to and subscribed to before me this 20th day of February AD, 2008.

Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- A. _____ The crime was committed by a child.
B. _____ A misdemeanor was committed against a child.
C. _____ A misdemeanor was committed by one family member against another family member.
D. _____ Other: Explain _____

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of 5 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **BRYANT K. ERVIN** accused, and bring same before

Justice of the Peace Court 20, FORTHWITH, to answer said charges

GIVEN UNDER MY HAND, this 20th day of February AD, 2008.

Judge/Commissioner/Court Official

Executed on _____ by _____

Case Number: **08 02 025800** Warrant Number: **30 08 001563** Arrest Number:

GOVERNMENT
EXHIBIT

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State of Delaware vs. **BRYANT K. ERVIN**

Case Number: 08 02 025800

Exhibit A

Charge Sequence: 001 Police Complaint Number: 30 08 014040 Arrest Number:

Charge: **Assault Second Degree Recklessly or Intentionally Cause Physical Injury to a Pregnant Female**

In Violation of 11 Del.C. § 0612 00a9 F D

Location: Linden ST - Wilmington, 19805

TO WIT: **BRYANT K ERVIN**, on or about the 16th day of FEBRUARY, 2008, in the County of NEW CASTLE, State of Delaware, did intentionally cause physical injury to [REDACTED], a pregnant female, by **PUNCHED VICTIM IN MOUTH KNOCKING FRONT TOOTH OUT** while victim was approximately 5 months pregnant.

Charge Sequence: 002 Police Complaint Number: 30 08 014040 Arrest Number:

Charge: **Assault Second Degree Recklessly or Intentionally Cause Physical Injury to a Pregnant Female**

In Violation of 11 Del.C. § 0612 00a9 F D

Location: Linden ST - Wilmington, 19805

TO WIT: **BRYANT K ERVIN**, on or about the 16th day of FEBRUARY, 2008, in the County of NEW CASTLE, State of Delaware, did intentionally cause physical injury to [REDACTED], a pregnant female, by punching victim in face when she was approximately 8 months pregnant causing victim to loose conscience.

Charge Sequence: 003 Police Complaint Number: 30 08 014040 Arrest Number:

Charge: **Aggravated Act of Intimidation- for Gain Other Consideration By Another Person**

In Violation of 11 Del.C. § 3533 0004 F D

Location: Linden ST - Wilmington, 19805

TO WIT: **BRYANT K ERVIN**, on or about the 16th day of FEBRUARY, 2008, in the County of NEW CASTLE, State of Delaware, did an act of intimidation as set forth in Section 3532 committed for pecuniary gain or for any other consideration by any person acting upon the request of another person. TO Wit: After punching victim who is 8 months pregnant in face with closed fist knocking same to ground, did place his foot on her belly and threaten to kick victim in stomach causing serious injury or death to unborn child unless victim signed ownership of vehicle over to suspect.

Charge Sequence: 004 Police Complaint Number: 30 08 014040 Arrest Number:

Charge: **Terroristic Threatening**

In Violation of 11 Del.C. § 0621 00a1 M A

Location: Linden ST - Wilmington, 19805

TO WIT: **BRYANT K ERVIN**, on or about the 16th day of FEBRUARY, 2008, in the County of NEW CASTLE, State of Delaware, did threaten to commit a crime likely to result in death or serious injury to person or property, to wit: After punching victim who is 8 months pregnant in face with closed fist knocking same to ground, did place his foot on her belly and threaten to kick victim in stomach causing serious injury or death to unborn child unless victim signed ownership of vehicle over to suspect.

State of Delaware vs. **BRYANT K. ERVIN**

Case Number: 08 02 025800

Charge Sequence: 005 Police Complaint Number: 30 08 014040 Arrest Number:

Charge: **Unauthorized Use of a Vehicle Without the Consent of the Owner**

In Violation of 11 Del.C. § 0853 0001 M A

Location: Linden ST - Wilmington, 19805

TO WIT: BRYANT K ERVIN, on or about the 16th day of FEBRUARY, 2008, in the County of NEW CASTLE, State of Delaware, did exercise control a 2006 SUZUKI MOTORCYCLE, a vehicle, knowing that he did not have the consent of the owner, [REDACTED]

State of Delaware vs. **BRYANT K. ERVIN**

Case Number: 08 02 025800

Exhibit B

Also Known As:
 Date of Birth/Age: **'1979 (28)** Sex: **Male** Race: **Black**
 Eye Color: **Brown** Hair Color: **Black** Height: **5'09"** Weight: **200 lbs**
 Driver's License: Social Security Number:

Address: **1 Linden ST**
Wilmington, DE 19805

Phone:

Employer: **THE HOOK UP ONE STOP SHOP**

Date and Times of Offense: **02/16/2008 at 1848**
 Location of Offense: **Linden ST - Wilmington, 19805**

Your affiant Detective ROSENBLUM can truly state that Your Affiant is employed with the Wilmington Department of Police and has been so employed since 1999. Your Affiant is currently assigned to the Criminal Investigation Division, Operation FED-UP Task Force.

1. Your Affiant was contacted by Wilmington Police Officers from Operation Safe Streets on or about 2/16/2008 reference a firearms investigation involving the suspect Bryant Ervin /79. The Officers advised they had opportunity to follow up circumstances in which the suspect was the respondent of an EX-Parte Family Court PFA. The PFA indicated that Ervin was in possession of firearm and was prohibited from doing so as a result of a previous felony conviction of Possession of a Firearm During the Commission of a Felony in which the Ervin was found guilty in the New Castle County Superior Court. The circumstances of that investigation resulted in a complaint being signed by this Officer in Federal Court under the Operation FED-UP protocol. That case is currently pending in The District of Delaware Federal Court.
2. In furtherance of that investigation, this Officer made contact with the petitioner of the PFA herein known as "victim" on 2/20/08.
3. During an interview with the victim, she advised the following.
4. Suspect (Ervin) and the victim have been romantically involved for approximately 4 years and she has a 2 week old child with the suspect. The victim reported that about July of 2007, Ervin moved into her apartment located at Linden Street, Wilmington, Delaware where she was the leasee. Lastly, she reported that the following assaults to be described took place at that location.
5. During the summer of 2007, the suspect and victim entered into a verbal agreement where the victim would purchase a motorcycle for the suspect, the motorcycle would remain as the property of the victim but the suspect would make payments for same. Direct payments for the motorcycle would be taken out of the victim's paycheck for the bike.
6. The victim and suspect entered into a similar agreement several months later involving a 1996 cadillac (vehicle.)

Sworn to and subscribed before me this 20th day of February AD, 2008

Affiant

Judge/Commissioner/Court Official



State of Delaware vs. **BRYANT K. ERVIN**

Case Number: 08 02 025800

7. The victim reported that the suspect became increasingly abusive toward her as the relationship evolved and further that the suspect was romantically involved with several other females in addition to the victim.

8. When asked about previous assaults committed against the victim by the suspect, she opened her mouth displaying her front tooth which this Officer observed to be missing and or/ broken in half. She stated that approximately 4 months prior to this date (around October 2007) the suspect punched her in the mouth knocking her tooth out. The suspect was approximately 5 months pregnant by the suspect at the time of this assault. She added that she responded to a dentist (Dr. Lentz) but was unable to afford repair of the tooth.

9. The victim also stated that approximately 1 week prior to giving birth to their child (on or about February 1, 2008) the suspect punched the victim with a closed fist causing her to fall to the ground where she believed she lost conscience. The assault was relative to the suspect demanding she sign over the above described cadillac to the suspect and her refusal to do as she was ordered. She stated when she regained her composure, she was lying on the ground and the suspect was standing over her with his foot on her belly. The suspect reportedly threatened the victim that if she refused to sign over the bill of sale to the vehicle to him, he would kick her in the stomach and kill her unborn child. For fear for her safety and the life of her unborn child, she signed the bill of sale as ordered. The victim stated that as a result of that assault she had to undergo a medical procedure to give birth by C-section a month prior to her expected delivery date.

10. The victim also reported that after her stay in the hospital and upon her returning home with the newborn child, the suspect, during another altercation punched her in the stomach causing pain and additional bleeding.

11. The victim added that the suspect stole \$1200.00 under the following circumstances. Because the child was so small at birth, he was in need of a special child seat. While in the hospital, she and the suspect agreed that the victim would provide the suspect her debit card and pin number. The suspect was to purchase a child seat and bed for the child. The suspect did purchase the items but also purchased \$1200.00 of other unknown goods without the knowledge or consent of the victim.

12. When asked if there were any reports made to police reference domestic abuse, she advised she has a pending case with suspect in which the suspect threatened her with a knife and punched her in the arm. A report was completed by New Castle PD and is pending.

13. When asked why no reports were taken regarding the above described assaults, the victim added she was in fear for her safety from the suspect and further the suspect threatened bodily injury to her father if she reported the incidents. She added that she reported the above assaults in New Castle County Family Court during a hearing to obtain a Protection From Abuse Order on or about 2/4/08.

14. The victim reported that on several occasions leading up to the assaults described above, she confronted the suspect about default of the verbal agreement by non-payment for the motorcycle. She requested the motorcycle

Sworn to and subscribed to before me this 20th day of February AD, 2008

Affiant

Judge/Commissioner/Court Official



State of Delaware vs. **BRYANT K. ERVIN**

Case Number: 08 02 025800

be returned to her so she could deliver same back to the dealership. The suspect refused to deliver the motorcycle and further more has the motorcycle hidden in a concealed location and refuses to turn same over to her. Whereabouts of the cadillac is also unknown at this time.

Wherefor your affiant prays a warrant be issued for offenses of Assault 2nd (2 counts) assault on a pregnant female, Aggravated Act of Intimidation, and unauthorized use or a motor vehicle, a 2006 Suzuki Motorcycle.)

Affiant: CP7192 ROSENBLUM (7192) of WILMINGTON PD

Victims:

SOCIETY/PUBLIC

Date of Birth

Relationship Victim to Defendant

Victimless Crime

Acquaintance

Affiant

Sworn to and subscribed to before me this 20th day of February A.D. 2008

Judge/Commissioner/Court Officer

